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AT DANVILLE, VA  
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MAR 15 2010

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

DAVID JAMES CUDWORTH,  
Petitioner,  
  
v.  
  
DIRECTOR, DEPARTMENT OF  
CORRECTIONS, et al.,  
Respondents.

) Civil Action No. 7:09-cv-00373  
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ORDER

By: Hon. Jackson L. Kiser  
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that petitioner's motion to stay is **DENIED**; respondent's motion to dismiss is **GRANTED**;  
petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**;  
petitioner's motion for an injunction is **DENIED**; a Certificate of Appealability is **DENIED**; and  
the action is **STRICKEN** from the active docket of the court.

The Clerk is directed to send a copy of this order and the accompanying memorandum  
opinion to petitioner and counsel of record for the respondent.

ENTER: This 15<sup>th</sup> day of March, 2010.

*Jackson L. Kiser*  
Senior United States District Judge